

ORDINANCE NO. 1811-12

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 11, DONATION BINS, SECTION 11-3

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

SECTION ONE. The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

11-3 Requirements for placement, use of clothing bins

Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a donation clothing bin, for solicitation purposes, unless all of the following requirements are met:

1. The person has obtained a valid permit from the Borough Zoning Officer.
2. The person, and any other entity which may share or profit from any clothing or other donations collected via the bin maintains a bona fide office where a representative of the person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering informing concerning the person or other entity. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and
3. The following information is clearly and conspicuously displayed on the exterior of the donation clothing bin:
 - a. The name and address of the registered person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;
 - b. The telephone number of the person's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin;
 - c. In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and
 - d. A statement, consistent with the information provided to the Borough in the most recent permit or renewal application indicating the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold

or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. This Ordinance shall take effect 20 days after passage and publication as provided by law.

ATTEST:

Kathy Anello, Borough Clerk
Borough of Middlesex

Mayor Ronald S. Dobies
Borough of Middlesex

INTRODUCED: May 22, 2012

DATE OF PUBLICATION
OF INTRODUCTION:

FINAL ADOPTION:

DATE OF PUBLICATION
OF ADOPTION:

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